

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

JOSE CELSO MARTINEZ ORTIZ

DEBTOR

CASE NO. 16-03675 MCF

CHAPTER 13

**DEBTOR'S MOTION REQUESTING ORDER  
RE: RATIFICATION OF THE USE OF FUNDS FROM 2017 TAX REFUND**

TO THE HONORABLE COURT:

**NOW COMES, JOSE CELSO MARTINEZ ORTIZ**, the Debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Debtor's confirmed Chapter 13 Plan provides that the Debtor's tax refunds will be paid into the Plan.

2. In the present case, the Debtor filed a post-confirmation modified Plan (Docket No. 27) in order to increase the Plan base and the distribution to unsecured creditors since the Debtor's 2017 income increased. See: Section 1306(a) of the Bankruptcy Code, 11 U.S.C. Section 1306(a).

3. Several objections to the Debtor's proposed Plan modification were raised by the Chapter 13 Trustee (Docket No. 29 and 33), including the failure by the Debtor to pay into the Plan the 2017 tax refund.

4. The Debtor received the 2017 (\$1,341.00) tax refund. The Debtor provided to the Trustee copy of the 2017 tax return.

3. The Debtor hereby respectfully submits to this Honorable Court that the funds from the aforementioned tax refund were not paid into the Plan. The Debtor used the aforestated funds to cover for a reasonable and necessary household expense, however, the

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Debtor forgot to request prior Court authorization for the use of the funds from above mentioned 2017 tax refund.

4. The Debtor respectfully submits that the failure to pay into the Plan the 2017tax refund was an honest error not intended to trigger an absence of compliance with the terms of the confirmed Plan, in the above captioned case.

5. The Debtor respectfully states the 2017 tax refund was used by the Debtor to cover for a car repair for the Debtor's non-filing spouse's car. Attached is evidence of this expense: a copy of a car shop invoice for said car repairs.

6. That considering that the funds received by the Debtor for the 2017 tax refund were used for a "reasonable and necessary expense", its use may be ratified by the Court, not to be used for the confirmed Plan funding. 11 U.S.C. Section 105.

7. Based on the above-stated, the Debtor respectfully requests this Honorable Court to order the ratification of the use of aforementioned 2017 tax refund, in the above captioned case.

**WHEREFORE**, the Debtor, through the undersigned attorney respectfully requests that this Honorable Court grant the foregoing motion and allow the ratification of the use of funds from the 2017 tax refund by the Debtor, in the above captioned case.

**I CERTIFY** that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee; I also certify that a copy of this motion was sent via US Mail to debtors to their address of record.

**NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P.**

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9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 12<sup>th</sup> day of December, 2018.

/s/ Roberto Figueroa Carrasquillo  
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USDC #203614  
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FECHA	NUMERO DE COMPROBANTE	DESCRIPCION/CONTRATO	FACTURA/OPE	IMPORTE DEL COMPROBANTE
27/04/18	000023	REINT 2017	----	\$****1,341.00

	DIA	MES	AÑO
19561855	27	04	18
NUMERO DE CHEQUE	FECHA EMISION		

ESTADO LIBRE ASOCIADO DE PUERTO RICO

RETENGA ESTE TALON  
PARA SUS RECORDS.



Nombre: Waleska Rodriguez

Dirección: \_\_\_\_\_

4/1/2018

NO. 0147

Tel. 787-403-5492

Marca: Toyota

Modelo: Via

Tablilla: 9UL-59

Color: Highlander Año: 2006 Millaje: 229,085 Vin: STES221A4601423

Cantidad	Descripción	Precio
1	Reparación de tapa de Bloque (rectificación, limpieza, de los, etc.)	
1	Reemplazo de bit de cadenas de tiempo (cadenas, guías, tensor)	
1	Reemplazo de bomba de agua y termostato (original)	
1	Reemplazo de Radiador	
2	Reemplazo de Manguas de succión y retorno de power steering	
1	Se reemplaza cover de VALVULAS (nuevo)	
4	Reemplazo de Bajos Radiator Shop	

Nota: \* Se realizó instalación de inserts (10) de el bloque en machine shop.

\* Se relleno RADIADOR con coolant original Toyota

Misc.	475.00
Grua	
Labor	450.00
Piezas	1615.00
Total	2,540.00

dep. - 1,200.00  
Balance 1,340.00

\*Todo trabajo tendrá 60 días de garantía en la labor.  
\*No nos hacemos responsables por objetos de valor dejados en su vehículo.  
\*Debe presentar esta factura para cualquier reclamación.